

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEVEN ZWEIG,

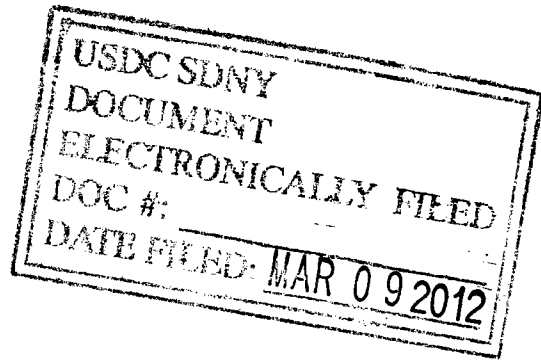
Plaintiff,

-v-

SAMIR KAMAT et al.,

Defendants.

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No. 11 Civ. 5238 (LTS)(RLE)

ORDER

The Court has reviewed Magistrate Judge Ellis's February 7, 2012, Report and Recommendation (the "Report"), which recommends that this action be dismissed without prejudice, as Plaintiff has failed to serve Defendants with a copy of the Summons and Complaint, despite more than six months having passed since the action was commenced. Neither party has filed an objection to the Report.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 2006). Where neither party files timely, specific objections to the magistrate judge's report and recommendation, a district court need only determine that the recommendation is not clearly erroneous or contrary to the law. Arista Records LLC v. Doe, 604 F.3d 110, 117 (2d Cir. 2010); see Fed. R. Civ. P. 72.

The Court has reviewed carefully Judge Ellis's Report and finds no clear error. The Court therefore adopts the Report in its entirety, and this action is dismissed without prejudice for failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure.

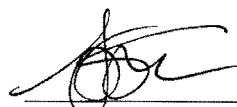
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Chambers of Judge Swain
MAR 20 2012
3-9-2012

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and, therefore, in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

The Clerk of the Court is respectfully requested to enter judgment accordingly and close this case.

SO ORDERED.

Dated: New York, New York
March 8, 2012



LAURA TAYLOR SWAIN
United States District Judge